

REMARKS

United States nonprovisional patent application serial number 10/071,032, was filed February 8, 2002. A Notice to File Corrected Application Papers *Filing Date Granted* dated June 4, 2002, Confirmation number 3659, (COPY ENCLOSED), was issued by the United States Patent and Trademark Office ("USPTO") that alleged that the application is informal because the original specification contained improper margins and/or that pages numbered 259-268 of the specification were omitted.

The application is amended to enter a substitute specification, including original claims, in compliance with 37 CFR §1.52. No other amendment is made herein. No new matter is added.

Further, a Petition Under 37 C.F.R. § 1.53(e)(2) ("Petition") that is in response to the Notice's allegation of omitted item(s) is enclosed herewith. The Petition Under 37 C.F.R. § 1.53(e)(2) includes the items enclosed therewith, namely Declarations A to C under 37 C.F.R. § 1.68 and Exhibits A to E. The Petition requests are outlined below. The Petition is hereby incorporated herein by reference.

Substitute Specification in Compliance with 37 C.F.R. §1.52

A Notice to File Corrected Application Papers *Filing Date Granted* dated June 4, 2002, Confirmation number 3659, (COPY ENCLOSED), was issued by the United States Patent and Trademark Office ("USPTO") that alleged, "Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*".

The Notice requested Applicants provide a "substitute specification in compliance with 37 CFR 1.52".

The application is amended to enter a substitute specification, including original claims, in compliance with 37 CFR §1.52. More particularly, the margins in the substitute

specification are wider than the original margins, and are now in compliance with the above-mentioned margin requirements. The number of specification pages and the text on each page of the specification have not been changed. No new matter is added. Support for the amendment is found in the original specification.

In view of the amendment to the application and the above remarks, Applicants deem:

- (1) the enclosed substitute specification, which includes the Title page, description on pages numbered 1 to 211, and 44 claims on pages numbered 212 to 268, satisfies the requirements of 37 C.F.R. § 1.52;
- (2) the enclosed substitute specification should be made part of the above-identified application;
- (3) the above-identified application with the enclosed substitute specification should be accepted as a formal application;
- (4) the filing date accorded to the above-identified application, which is the date the application was received by the United States Patent and Trademark Office, namely February 8, 2002, should be maintained; and
- (5) the above-identified application with the enclosed substitute specification should be examined on the merits.

In view of the amendment to the application and the above remarks, Applicants respectfully request:

- (1) entry of the enclosed substitute specification, which includes the Title page, description on pages numbered 1 to 211, and 44 claims on pages numbered 212 to 268, into the application;
- (2) acceptance of the above-identified application with the enclosed substitute specification as a formal application;
- (3) maintenance of February 8, 2002, as the filing date accorded to the above-identified application; and
- (4) examination of the above-identified application with the enclosed substitute specification on the merits.

Other Matter(s) Identified in the Notice to File Corrected Application Papers

The Notice further alleged, "The following item(s) appear to have been **omitted** from the application:

- Page(s) **pages: 259-268** of the specification (description and claims)."

Applicants respectfully traverse the allegation of the omitted item(s) for the reasons provided in the above-mentioned Petition Under 37 C.F.R. § 1.53(e)(2), which has been previously incorporated herein by reference.

As mentioned above, the Petition requests the Commissioner for Patents to:

- (1) determine that the items alleged in the NOTICE as omitted from the application, namely pages numbered 259-268 of the specification (description and claims), were received by the United States Patent and Trademark Office with the above-identified application; and
- (2) determine that the filing date accorded to the above-identified application of February 8, 2002, should also be accorded for pages numbered 259 to 268 of the specification.

A refund of the petition fee was also requested.

In view of the amendment to the application, petition and the above remarks, Applicants deem:

- (1) the items alleged in the NOTICE as omitted from the application, namely pages numbered 259-268 of the specification (description and claims), were received by the United States Patent and Trademark Office with the above-identified application;

- (2) the filing date accorded to the above-identified application of February 8, 2002, should also be accorded for pages numbered 259 to 268 of the specification;
- (3) the substitute specification enclosed with the above-referenced Preliminary Amendment, which substitute specification includes the Title page, description on pages numbered 1 to 211, and 44 claims on pages numbered 212 to 268, should be made part of the above-identified application;
- (4) the above-identified application with the substitute specification referenced in (3) above should be accepted as a formal application;
- (5) the filing date accorded to the above-identified application, which is the date the application was received by the United States Patent and Trademark Office, namely February 8, 2002, should be maintained;
- (6) the above-identified application with the substitute specification referenced in (3) above should be examined on the merits;
- (7) a refund of the petition fee is warranted; and
- (8) the substitute specification satisfies the requirements of 37 C.F.R. § 1.52.

In view of the amendment to the application and the above remarks, Applicants respectfully request:

- (1) entry of the enclosed substitute specification, which includes the Title page, description on pages numbered 1 to 211, and 44 claims on pages numbered 212 to 268, into the application;
- (2) acceptance of the above-identified application with the enclosed substitute specification as a formal application;
- (3) maintenance of February 8, 2002, as the filing date accorded to the above-identified application; and
- (4) examination of the above-identified application with the enclosed substitute specification on the merits.

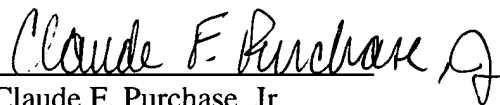
In the event that the Petition is not granted by the Commissioner for Patents,
Applicants respectfully request that the Title page and pages numbered 1 to 258 of the

enclosed substitute specification be accepted as a formal application, and that this shortened substitute specification be examined on the merits.

The Commissioner for Patents is hereby authorized to charge any fees required for this communication, or credit any overpayment of fees, to deposit account 23-0455.

The undersigned would welcome a telephone call from the Commissioner to discuss any matters.

Respectfully submitted,


Claude F. Purchase, Jr.
Reg. No. 47,871
Warner-Lambert Company
2800 Plymouth Road
Ann Arbor, MI 48105
Tel. (734) 622-1692
Fax (734) 622-1553

Enc. Original of USPTO-supplied Part 2 Copy of Notice to File Corrected Application
Papers (2 pages)
Substitute specification (270 pages)